



MICHIGAN  
HOUSE OF REPRESENTATIVES  
P.O. Box 30014  
LANSING, MICHIGAN 48909-7514

## HOUSE STANDING COMMITTEE ON JUDICIARY

Tuesday, May 30<sup>th</sup>, 2017                      12:00 p.m.                      Room 326 House Office Building

Representative Runestad, Chair, called the meeting to order.

Chair Runestad requested attendance be called to establish a quorum of the appointed committee members:

Present: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Absent: None.

Excused: None.

Representative LaFave moved to approve the minutes of the May 23<sup>rd</sup>, 2017, at 12:00 noon meeting. The motion prevailed by unanimous consent.

Representative LaFave moved to approve the minutes of the May 23<sup>rd</sup>, 2017, at 3:30 p.m. meeting. The motion prevailed by unanimous consent.

The Chair laid SB 223 before the committee:

SB 223     (Jones)                      Law enforcement; records; maintain record for separation of employment; require, and establish that agency is immune from civil liability.

Senator Jones introduced the bill. Questions and discussion followed.

Sergeant Tim Fitzgerald, representing the Michigan State Police, submitted a testimony card in support of the bill, but did not wish to speak.

The Chair laid SB 219 before the committee:

SB 219     (Green)                      Weapons; licensing; application process for licensing; modify.

Senator Green, Sergeant Tim Fitzgerald, and Kevin Collins, representing the Michigan State Police, testified in support of the bill. Questions and discussion followed.

The following people submitted testimony cards in support of the bill, but did not wish to speak:

Brady Schickinger, representing the Michigan Coalition for Responsible Gun Owners.

Bill Zaagman, representing the Michigan Association of County Clerks.

The Chair laid HBs 4416, 4417, 4418, and 4419 before the committee:

HB 4416 (Hoitenga) Weapons; firearms; certain provisions regarding weapons; repeal.

HB 4417 (Hornberger) Weapons; firearms; 1927 PA 372; update references.

HB 4418 (Allor) Weapons; firearms; natural resources and environmental protection act; update references.

HB 4419 (Cole) Weapons; firearms; sentencing guidelines; update.

Brady Schickinger, representing the Michigan Coalition for Responsible Gun Owners, submitted a testimony card in support of the bills, but did not wish to speak.

The Chair laid the committee at ease, the time being 12:23 p.m.

The Chair called the committee to order, the time being 12:24 p.m.

Representative Howrylak moved to adopt substitute (H-2) for HB 4417. The motion prevailed by a vote of 10-0-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: None.

Representative Hornberger offered the following amendment for HB 4416:

1. Amend page 7, following line 24, by inserting:  
"Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law."

Representative LaFave moved to adopt the amendment for HB 4416. The motion prevailed by a vote of 10-0-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: None.

Representative Hornberger offered the following amendment for HB 4418:

1. Amend page 2, following line 13, by inserting:  
"Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law." and renumbering the remaining enacting section.

Representative LaFave moved to adopt the amendment for HB 4418. The motion prevailed by a vote of 10-0-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: None.

Representative Hornberger offered the following amendment for HB 4419:

1. Amend page 5, following line 10, by inserting:

"Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law." and renumbering the remaining enacting section.

Representative LaFave moved to adopt the amendment for HB 4419. The motion prevailed by a vote of 10-0-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: None.

Representative Sowerby offered the following amendments for HB 4416:

1. Amend page 2, line 5, after "**FIREARM**" by inserting "**OR A PERSON WHO HAS NOT COMPLETED A PISTOL TRAINING OR SAFETY PROGRAM THAT MEETS THE REQUIREMENTS OF SECTION 5J OF 1927 PA 372, MCL 28.425J**".

2. Amend page 2, following line 11, by inserting:

**"(4) A PERSON WHO IS CARRYING A CONCEALED PISTOL SHALL HAVE HIS OR HER PISTOL TRAINING OR SAFETY PROGRAM CERTIFICATE OF COMPLETION IN HIS OR HER POSSESSION AT ALL TIMES HE OR SHE IS CARRYING A CONCEALED PISTOL. A PERSON WHO VIOLATES THIS SUBSECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND SHALL BE FINED \$100.00."** and renumbering the remaining subsection.

Representative Sowerby explained the amendments.

Representative Sowerby moved to adopt the amendments for HB 4416. The motion did not prevail by a vote of 4-6-0.

**UNFAVORABLE ROLL CALL:**

Yeas: Reps. Howrylak, Greimel, Guerra, and Sowerby.

Nays: Reps. Runestad, Theis, Cole, Hornberger, LaFave, and Robinson.

Pass: None.

Representative Greimel offered the following amendments for HB 4416:

1. Amend page 2, line 4, after "person" by striking out the balance of the line through "**FIREARM**" on line 5.

2. Amend page 2, line 7, after "person" by striking out the period and inserting "**IF THAT PERSON MEETS ANY OF THE FOLLOWING:**

**(A) IS PROHIBITED BY STATE OR FEDERAL LAW FROM POSSESSING A FIREARM.**

**(B) HAS BEEN CONVICTED OF A MISDEMEANOR LISTED UNDER SECTION 5B(7)(H) OF 1927 PA 372, MCL 28.425B, IN THE 8 YEARS IMMEDIATELY PRECEDING THE CARRYING OF THE PISTOL.**

**(C) HAS BEEN CONVICTED OF A MISDEMEANOR LISTED UNDER 5B(7)(I) OF 1927 PA 372, MCL 28.425B, IN THE 3 YEARS IMMEDIATELY PRECEDING THE CARRYING OF THE PISTOL.**

**(D) IS SUBJECT TO A SUSPENSION OR REVOCATION IN SUBSECTION (4)."**

3. Amend page 2, following line 11, by inserting:

**"(4) A PERSON WHO IS CARRYING A CONCEALED PISTOL WHO IS STOPPED BY A PEACE OFFICER AND DOES NOT IMMEDIATELY DISCLOSE TO THE PEACE OFFICER THAT HE OR SHE IS CARRYING A PISTOL CONCEALED UPON HIS OR HER PERSON OR IN HIS OR HER VEHICLE IS SUBJECT TO THE FOLLOWING:**

**(A) FOR A FIRST OFFENSE, HIS OR HER ABILITY TO CARRY A CONCEALED PISTOL IS SUSPENDED FOR 6 MONTHS.**

**(B) FOR A SUBSEQUENT OFFENSE WITHIN 3 YEARS OF A PRIOR OFFENSE, ABILITY TO CARRY A CONCEALED PISTOL IS REVOKED."** and renumbering the remaining subsection.

Representative Greimel explained the amendments.

Representative Greimel moved to adopt the amendments for HB 4416. The motion did not prevail by a vote of 3-7-0.

**UNFAVORABLE ROLL CALL:**

Yeas: Reps. Greimel, Guerra, and Sowerby.

Nays: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, and Robinson.

Pass: None.

Representative Greimel offered the following amendments for HB 4416:

1. Amend page 2, following line 11, by inserting:

**"(4) A PERSON WHO IS CARRYING A CONCEALED PISTOL AND WHO IS STOPPED BY A PEACE OFFICER SHALL IMMEDIATELY DISCLOSE TO THE PEACE OFFICER THAT HE OR SHE IS CARRYING A PISTOL CONCEALED UPON HIS OR HER PERSON OR IN HIS OR HER VEHICLE. AN INDIVIDUAL WHO**

**VIOLATES THIS SUBSECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A FINE OF \$500.00."** and renumbering the remaining subsection.

2. Amend page 2, line 12, after "violates" by striking out "this section" and inserting "**SUBSECTION (1) OR (3)**".

Representative Greimel explained the amendments.

Representative Greimel moved to adopt the amendments for HB 4416. The motion did not prevail by a vote of 3-7-0.

**UNFAVORABLE ROLL CALL:**

Yeas: Reps. Greimel, Guerra, and Sowerby.

Nays: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, and Robinson.

Pass: None.

Representative Greimel moved to adopt a substitute (H-3) for HB 4417. The motion did not prevail by a vote of 3-6-1.

**UNFAVORABLE ROLL CALL:**

Yeas: Reps. Greimel, Guerra, and Sowerby.

Nays: Reps. Runestad, Theis, Cole, Hornberger, LaFave, and Robinson.

Pass: Rep. Howrylak.

Representative LaFave moved to report HB 4416, with recommendation, as amended, as substitute (H-1). The motion prevailed by a vote of 6-4-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, and LaFave.

Nays: Reps. Greimel, Robinson, Guerra, and Sowerby.

Pass: None.

Representative Theis moved to report HB 4417, with recommendation, as substitute (H-2). The motion prevailed by a vote of 6-4-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, and LaFave.

Nays: Reps. Greimel, Robinson, Guerra, and Sowerby.

Pass: None.

Representative Cole moved to report HB 4418, with recommendation, as amended, as substitute (H-1). The motion prevailed by a vote of 6-4-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, and LaFave.

Nays: Reps. Greimel, Robinson, Guerra, and Sowerby.

Pass: None.

Representative Hornberger moved to report HB 4419, with recommendation, as amended, as substitute (H-1). The motion prevailed by a vote of 6-4-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, and LaFave.

Nays: Reps. Greimel, Robinson, Guerra, and Sowerby.

Pass: None.

The Chair laid SB 333 before the committee:

SB 333 (Jones) Courts; business court; types of cases heard by the business court;  
revise.

Representative Theis moved to report SB 333 with recommendation. The motion prevailed by a vote of 10-0-0.

**FAVORABLE ROLL CALL:**

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: None.

The Chair laid a presentation on Shared Custody before the committee.

Kathy Hagenian, representing the Michigan Coalition to End Domestic & Sexual Violence, gave a presentation on Shared Custody. Questions and discussion followed.

There being no further business to come before the committee, the Chair adjourned the meeting, the time being 1:02 p.m.

---

Representative Runestad, Chair

Matthew Carnagie  
Committee Clerk  
May 30<sup>th</sup>, 2017

---

Date Approved and Signed